IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3758 OF 2004
IN
CRIMINAL APPEAL NO. 1047 OF 2004

1. Mr. Shaikh Sayyed
Shaikh Ibrahim & Ors. ...Applicants.

V/s

1. The State of Maharashtra
and Anr. ...Respondents.
--
Mr. G.R. Sharma for the applicant.

Mr. A.M. Shringarpure, APP for the respondent - State.

CORAM: V.M.KANADE,J.

DATE: 20th September, 2004.

PC:.

1. Heard the learned Counsel appearing on behalf of the applicants and the learned APP for the respondent -State.

2. Applicants are convicted under section 392 read with section 34 of the I.P.C.

3. The case of the Prosecution is that the applicants chased the complainant who was travelling in a rickshaw and after having accosted the driver of that rickshaw, they took away golden chain and other golden ornaments and cash from the complainant. While running away, the police apprehended the applicants.

It is the Prosecution case, therefore, that these

accused were apprehended from the short distance from the place where the incident of robbery had taken place and the gold ornaments were recovered from them which were identified by the complainant.

4. The learned APP appearing on behalf of the applicants submits that no test identification parade was held and that the incident had taken place between 2.00 A.M. and 3.00 A.M. The accused were not known to the complainant and, under these circumstances, they were on bail in the Trial Court.

5. Appeal is admitted. Appeal is not likely to come up for hearing at least for some time. Considering the fact that test identification parade was not held, even though the applicants were apprehended within short time after the commission of the offence, in my view, this is a fit case where applicants are entitled to be released on bail. Applicants are released on bail on the same terms and conditions as imposed by the Trial Court. They shall, however, give fresh bonds. They shall report to Pant Nagar Police Station once in a week, pending the hearing and final disposal of the appeal.

V.M. KANADE, J.